REMARKS

Claims 1-16 are pending. By this response, claims 1, 8, 15 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claims 1-5, 7-12 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura et al. (U.S. Patent 6,409,513) and Matsunaga et al. (U.S. Patent 6,044,420) and claims 6 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Kawamura, Matsunaga in view of Tadlock et al. (U.S. Patent 6,869,287). These rejections are respectfully traversed.

Independent claims 1, 8 and 15 *refer to* providing data for exercises where the data pertains to a specific examination that a user is preparing to pass, where the data and exercises are specifically tailored based on the characteristics of the examination. Also, the user's ability is measured based on a predetermined sentence or sentences, and particular data is retrieved based on that measured ability. The retrieved data is different based on different measured abilities and thus the same data is not retrieved irrespective of ability.

The Examiner asserts that Kawamura teaches the above features of independent claims 1, 8 and 15. In the section titled, "Response to Arguments" beginning at page 5 of the Office Action, the Examiner states, "Kawamura allows a reader to read at a pace set by the reader, or one set by the software program. See Col. 10, lines 19-22. In addition, Kawamura teaches that sessions gradually increase in speed and difficulty. See Col 9, lines 54-61." The Examiner also appears to further suggest that the language of the claims do not distinguish from Kawamura, however features of the present invention may not be taught by Kawamura.

Applicant respectfully submits that Applicant's independent claims 1, 8 and 15 have been amended to define more concisely the data retrieved and its specificity to a particular examination and also the retrieval of different data specific to the user's ability. Applicant respectfully submits that Kawamura fails to teach these features noted above.

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Kawamura teaches the use of pre- and post-testing as benchmark measurements to determine what data is retrieved in training sessions. The user can speed or slow up the sessions in order to increase or decrease the difficulty. See Col. 9. The speeding up or slowing down of training session is a matter of pace and does not refer to or relate to the actual data being retrieved. The data in Kawamura's training sessions regardless of ability, the user just begins at a higher pace or a slower pace but each users begins using the same retrieved data.

Further, Kawamura's system is used to increase the reading speed in general and also strengthen eye muscles. The exercises used are general reading exercises and not tailored specifically to a particular examination that a user intends to try and pass.

Thus, Kawamura does not teach selecting data between a particular examination which is used in the exercise. Further, Kawamura does not retrieve data specific to the user's measured ability where different data is retrieved for different measured abilities. In Kawamura, the exercises are sped up or slowed down based on ability of the user. Initial retrieved data is always the same and the date only changes as the user progresses through the exercises.

Further, Matsunaga fails to remedy the deficiencies of Kawamura. Matsunaga attempts to optimize the ability of a user to recognize data quickly by using different formats and arrangements for particular types of data. As discussed at Col. 19, an increased time for display of foreign characters is usually provided and it is assumed that reading foreign characters is slower than reading characters of your native language. Thus, Matsunaga determines the display of particular characters based on an assumption and not ability. Matsunaga does not teach retrieval of data specific to the user's measured ability where different data would be retrieved for different measured abilities.

Thus, in view of the above, Applicant respectfully submits that a combination of Kawamura and Matsunaga fail to teach each of these features of independent claims 1, 8 and 15, as required. Further, Tadlock fails to teach aspects of the dependent claim and thus fails to

remedy the deficiency in the combination of Kawamura, Matsunaga. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By _____

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